

APPEAL,CONV,_BT

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U.S. District Court
Western District of Oklahoma[LIVE] (Oklahoma City)
CRIMINAL DOCKET FOR CASE #: 5:17-cr-00239-D-1

Case title: United States of America v. Varnell

Magistrate judge case number: 5:17-mj-00368-STE

Date Filed: 10/17/2017

Assigned to: Honorable Timothy D.
DeGiusti

Defendant (1)

Jerry Drake Varnell

represented by **Vicki Z Behenna**
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TERMINATED: 09/18/2017
Designation: CJA Appointment

Pending Counts

18:844(i)MALICIOUS
ATTEMPTED DESTRUCTION
OF PROPERTY USED IN AND
AFFECTING INTERSTATE
COMMERCE
(1)

18:844(i) MALICIOUS
ATTEMPTED DESTRUCTION
OF PROPERTY USED IN AND
AFFECTING INTERSTATE
COMMERCE
(1s)

18:2332a ATTEMPTED USE OF
A WEAPON OF MASS
DESTRUCTION
(2s)

Disposition

Defendant Sentenced 300 months to be served
concurrently with Count 2; Supervised Release of
Life to be served concurrently with Count 2; S/A of
\$100.00 due immediately

Defendant Sentenced 300 months to be served
concurrently with Count 1; Supervised Release of
Life to be served concurrently with Count 1; S/A of
\$100.00 due immediately

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

18:844(i)

Disposition

Plaintiff

United States of America

represented by **Mark R Stoneman**
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Date Filed	#	Page	Docket Text
08/13/2017	<u>1</u>		COMPLAINT as to Jerry Drake Varnell (1). (cps) [5:17-mj-00368-STE] (Entered: 08/14/2017)
08/14/2017	<u>3</u>		** SEALED DOCUMENT ** CJA 23 Financial Affidavit by Jerry Drake Varnell. (cps) [5:17-mj-00368-STE] (Entered: 08/14/2017)
08/14/2017	<u>4</u>		MINUTE ENTRY for proceedings held before Magistrate Judge Shon T. Erwin:Initial Appearance as to Jerry Drake Varnell held on 8/14/2017, (Detention Hearing set for 8/22/2017 02:00 PM in Courtroom 401 before Magistrate Judge Shon T. Erwin., Preliminary Hearing set for 8/22/2017 02:00 PM in Courtroom 401 before Magistrate Judge Shon T. Erwin.) (cps) [5:17-mj-00368-STE] (Entered: 08/14/2017)
08/14/2017	<u>5</u>		ORDER APPOINTING COUNSEL of Terri Coulter as to Jerry Drake Varnell. Signed by Magistrate Judge Shon T. Erwin on 8/14/2017. (cps) [5:17-mj-00368-STE] (Entered: 08/14/2017)
08/14/2017	<u>6</u>		ORDER OF TEMPORARY DETENTION as to Jerry Drake Varnell Detention Hearing set for 8/22/2017 02:00 PM in Courtroom 401 before Magistrate Judge Shon T. Erwin.. Signed by Magistrate Judge Shon T. Erwin on 8/14/2017. (cps) [5:17-mj-00368-STE] (Entered: 08/14/2017)
08/14/2017	<u>7</u>		NOTICE OF HEARING as to Jerry Drake Varnell Detention Hearing set for 8/22/2017 02:00 PM in Courtroom 401 before Magistrate Judge Shon T. Erwin. Preliminary Hearing set for 8/22/2017 02:00 PM in Courtroom 401 before Magistrate Judge Shon T. Erwin. (cps) [5:17-mj-00368-STE] (Entered: 08/14/2017)
08/16/2017	<u>2</u>		ENTRY OF ATTORNEY APPEARANCE: Terri A Coulter appearing for Jerry Drake Varnell (Coulter, Terri) [5:17-mj-00368-STE] (Entered: 08/16/2017)

08/17/2017	<u>10</u>	UNOPPOSED MOTION for Hearing <i>to Determine Competency of Defendant to Stand Trial and to Abate All Scheduled Hearings</i> by Jerry Drake Varnell. (Coulter, Terri) [5:17-mj-00368-STE] (Entered: 08/17/2017)
08/21/2017	<u>12</u>	ORDER as to Jerry Drake Varnell Granting re <u>10</u> UNOPPOSED MOTION for Hearing <i>to Determine Competency of Defendant to Stand Trial and to Abate All Scheduled Hearings</i> filed by Jerry Drake Varnell. Signed by Magistrate Judge Shon T. Erwin on 8/21/2017. (cps) [5:17-mj-00368-STE] (Entered: 08/21/2017)
08/23/2017	<u>18</u>	MOTION to Withdraw Document <u>10</u> UNOPPOSED MOTION for Hearing <i>to Determine Competency of Defendant to Stand Trial and to Abate All Scheduled Hearings</i> by Jerry Drake Varnell. (Coulter, Terri) [5:17-mj-00368-STE] (Entered: 08/23/2017)
08/23/2017	<u>19</u>	ENTRY OF ATTORNEY APPEARANCE Mark R Stoneman appearing for USA. (Stoneman, Mark) [5:17-mj-00368-STE] (Entered: 08/23/2017)
08/24/2017	<u>20</u>	ORDER Setting Hearing re <u>18</u> MOTION to Withdraw Document, <u>10</u> UNOPPOSED MOTION for Hearing <i>to Determine Competency of Defendant to Stand Trial and to Abate All Scheduled Hearings</i> filed by Jerry Drake Varnell. Preliminary and Detention Hearing, if appropriate, set for 8/25/2017 01:00 PM in Courtroom 401 before Magistrate Judge Shon T. Erwin.. Signed by Magistrate Judge Shon T. Erwin on 8/24/2017. (cps) [5:17-mj-00368-STE] (Entered: 08/24/2017)
08/24/2017	<u>21</u>	RESPONSE to Motion by United States of America as to Jerry Drake Varnell re <u>18</u> MOTION to Withdraw Document <u>10</u> UNOPPOSED MOTION for Hearing <i>to Determine Competency of Defendant to Stand Trial and to Abate All Scheduled Hearings</i> (Attachments: # <u>1</u> Attachment 1 Varnell family statement)(Dillon, Matthew) [5:17-mj-00368-STE] (Entered: 08/24/2017)
08/24/2017	<u>22</u>	MOTION for Hearing <i>to Determine Competency</i> by United States of America as to Jerry Drake Varnell. (Dillon, Matthew) [5:17-mj-00368-STE] (Entered: 08/24/2017)
08/25/2017	<u>24</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Shon T. Erwin:Motion Hearing as to Jerry Drake Varnell held on 8/25/2017 re <u>22</u> MOTION for Hearing <i>to Determine Competency</i> filed by United States of America is granted, <u>10</u> UNOPPOSED MOTION for Hearing <i>to Determine Competency of Defendant to Stand Trial and to Abate All Scheduled Hearings</i> filed by Jerry Drake Varnell is granted. Preliminary and Detention Hearings are hereby stricken until further order of the Court. (cps) [5:17-mj-00368-STE] (Entered: 08/25/2017)
08/25/2017	<u>25</u>	ORDER as to Jerry Drake Varnell Granting re <u>22</u> MOTION for Hearing <i>to Determine Competency</i> filed by United States of America, <u>10</u> UNOPPOSED MOTION for Hearing <i>to Determine Competency of Defendant to Stand Trial and to Abate All Scheduled Hearings</i> filed by Jerry Drake Varnell.The Defendant is committed to the custody of the Attorney General for a period not to exceed 30 days for an examination by atleast one qualified psychiatrist or psychologist to determine whether Defendant maypresently be suffering from a mental disease or defect rendering him mentallyincompetent to the extent that he is unable to understand the nature and consequencesof the proceedings against him or to properly assist in his defense. 18 U.S.C. §§

		4241and 4247, Signed by Magistrate Judge Shon T. Erwin on 8/25/2017. Further details set forth in the order. (cps) [5:17-mj-00368-STE] (Entered: 08/25/2017)
09/06/2017	<u>26</u>	MOTION for Order to <i>Preserve Evidence and Brief in Support</i> by Jerry Drake Varnell. (Coulter, Terri) [5:17-mj-00368-STE] (Entered: 09/06/2017)
09/06/2017	<u>27</u>	MOTION for Order for <i>Expedited Transcript of Competency Hearing Held August 25, 2017</i> by Jerry Drake Varnell. (Coulter, Terri) [5:17-mj-00368-STE] (Entered: 09/06/2017)
09/08/2017	<u>31</u>	ORDER granting <u>27</u> Motion for Expedited Transcripts as to Jerry Drake Varnell (1). Signed by Magistrate Judge Shon T. Erwin on 9/8/2017. (cps) [5:17-mj-00368-STE] (Entered: 09/08/2017)
09/11/2017	<u>34</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Jerry Drake Varnell held on 8-25-17 before Judge Erwin. Court Reporter Christina L. Clark, Telephone number 405-609-5123. Transcript of: Proceedings Volume: I of I Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/2/2017. Redacted Transcript Deadline set for 10/12/2017. Release of Transcript Restriction set for 12/11/2017. (cc) [5:17-mj-00368-STE] (Entered: 09/11/2017)
09/15/2017	<u>39</u>	RESPONSE to Motion by United States of America as to Jerry Drake Varnell re <u>26</u> MOTION for Order to <i>Preserve Evidence and Brief in Support</i> (Dillon, Matthew) [5:17-mj-00368-STE] (Entered: 09/15/2017)
09/17/2017	<u>40</u>	MOTION to Withdraw as Attorney of <i>Record and Brief in Support</i> by Terri Coulter. by Jerry Drake Varnell. (Coulter, Terri) [5:17-mj-00368-STE] (Entered: 09/17/2017)
09/18/2017	<u>41</u>	ORDER granting <u>40</u> Motion to Withdraw as Attorney. Terri A Coulter withdrawn from case as to Jerry Drake Varnell (1). Signed by Magistrate Judge Shon T. Erwin on 9/18/2017. (cps) [5:17-mj-00368-STE] (Entered: 09/18/2017)
09/19/2017	<u>42</u>	ENTRY OF ATTORNEY APPEARANCE: Marna S Franklin appearing for Jerry Drake Varnell (Franklin, Marna) [5:17-mj-00368-STE] (Entered: 09/19/2017)
09/19/2017	<u>43</u>	ENTRY OF ATTORNEY APPEARANCE: Laura K Deskin appearing for Jerry Drake Varnell (Deskin, Laura) [5:17-mj-00368-STE] (Entered: 09/19/2017)
09/26/2017	44	CJA 24 as to Jerry Drake Varnell: Authorization to Pay Clark Voucher # 1087.0487621. Signed by Magistrate Judge Shon T. Erwin on 9/25/17. (kr) [5:17-mj-00368-STE] (Entered: 09/26/2017)
10/03/2017	<u>45</u>	NOTICE by United States of America <i>Joint Notice of Need to Amend Court Order</i> (Dillon, Matthew) [5:17-mj-00368-STE] (Entered: 10/03/2017)
10/04/2017	<u>46</u>	AMENDED ORDER of doc re <u>25</u> Order for Hearing to Determine Competency of Defendant to Stand Trial as to Jerry Drake Varnell. See order for further details. Signed by Magistrate Judge Shon T. Erwin on 10/4/2017.

		(cps) [5:17-mj-00368-STE] (Entered: 10/04/2017)
10/11/2017	<u>50</u>	ORDER Denying the Federal Bureau of Prisons of Metropolitan Correctional Center in San Diego's request for additional days, re Doc <u>48</u> as to Jerry Drake Varnell.Federal Bureau of Prisons of Metropolitan Correctional Center in San Diego has until November 4, 2017 to prepare and file with the Court the reports prescribed. Signed by Magistrate Judge Shon T. Erwin on 10/11/2017. (cps) [5:17-mj-00368-STE] (Entered: 10/11/2017)
10/12/2017	<u>52</u>	ORDER granting <u>26</u> Motion to Preserve Evidence and brief in support, as to Jerry Drake Varnell (1).See order for further details. Signed by Magistrate Judge Shon T. Erwin on 10/12/2017. (cps) [5:17-mj-00368-STE] (Entered: 10/12/2017)
10/17/2017	55	CJA 20 as to Jerry Drake Varnell: Authorization to Pay Coulter. Voucher # 0494214. Signed by Magistrate Judge Shon T. Erwin on 10/12/17. (kr) [5:17-mj-00368-STE] (Entered: 10/17/2017)
10/17/2017	<u>56</u>	INDICTMENT as to Jerry Drake Varnell (1) count(s) 1. (Attachments: # <u>1</u> Criminal Cover Sheet) (ac) (Entered: 10/18/2017)
10/27/2017		Docket Annotation: Conventional filing <u>58</u> received in court clerk's office (ac) (Entered: 10/27/2017)
11/03/2017	<u>59</u>	SEALED Letter and paperwork from Forensic Psychologist as to Jerry Drake Varnell. (cps) (Entered: 11/20/2017)
11/21/2017	<u>61</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Shon T. Erwin:Competency Hearing as to Jerry Drake Varnell held on 11/21/2017, Detention Hearing waived as to Jerry Drake Varnell. (cps) (Entered: 11/21/2017)
11/21/2017	<u>62</u>	WAIVER Of Detention Hearing & Consent to Order of Detention with an Order of Detention pending further proceedings as to Jerry Drake Varnell. Signed by Magistrate Judge Shon T. Erwin on 11/21/2017. (cps) (Entered: 11/21/2017)
11/21/2017	<u>63</u>	ORDER finding that Defendant is not presently suffering from a mental disease or defect rendering him mentally incompetent as to Jerry Drake Varnell.See order for further details. Signed by Magistrate Judge Shon T. Erwin on 11/21/2017. (cps) (Entered: 11/21/2017)
11/21/2017	<u>64</u>	MINUTE ENTRY ~ for proceedings held before Magistrate Judge Bernard M. Jones:Arraignment as to Jerry Drake Varnell (1) Count 1 held on 11/21/2017. Matt Dillon and Mark Stoneman appeared on behalf of the Govt; Dft. appeared in the custody of the U.S. Marshal with court appointed counsel Marna Franklin. Plea entered by Jerry Drake Varnell Not Guilty on All counts. Jury Trial set for 1/9/2018 09:00 AM in Courtroom 304 before Honorable Vicki Miles-LaGrange. As stated on the record Dft. is detained per Detention Order previously entered. Dft. is remanded to the custody of the U.S. Marshal pending further proceedings. (dwl) (Entered: 11/21/2017)
12/08/2017	<u>73</u>	JANUARY CRIMINAL DOCKET: Docket Call set for 1/3/2018 02:00 PM in Courtroom 304 before Honorable Vicki Miles-LaGrange. Jury Trial set for 1/9/2018 09:00 AM in Courtroom 304 before Honorable Vicki Miles-LaGrange. (ks) (Entered: 12/08/2017)

12/08/2017	<u>74</u>		MINUTE ORDER as to Jerry Drake Varnell – Pursuant to Local Criminal Rule 30.1, the parties in this case shall file all requested jury instructions, supported by appropriate authority, by Tuesday, January 2, 2018. Any objections to the requested jury instructions shall be filed by Thursday, January 4, 2018. Signed by Honorable Vicki Miles–LaGrange on 12/8/2017. (ks) (Entered: 12/08/2017)
12/27/2017	<u>77</u>		JOINT DISCOVERY STATEMENT by Plaintiff United States of America (Dillon, Matthew) (Entered: 12/27/2017)
01/02/2018	<u>79</u>		JOINT MOTION to Continue <i>Trial</i> by United States of America as to Jerry Drake Varnell. (Dillon, Matthew) (Entered: 01/02/2018)
01/02/2018	<u>80</u>		ORDER partially granting <u>79</u> the joint motion to continue trial and resetting this case on the Court's March 2018 trial docket (as more fully set out), as to Jerry Drake Varnell (1). Signed by Honorable Vicki Miles–LaGrange on 1/2/2018. (ks) (Entered: 01/02/2018)
01/02/2018			Set/Reset Deadlines/Hearings as to Jerry Drake Varnell:(Jury Trial set for 3/13/2018 09:00 AM in Courtroom 303 before Honorable Vicki Miles–LaGrange.), Terminate Deadlines and Hearings as to Jerry Drake Varnell: (ks) (Entered: 01/02/2018)
01/03/2018	<u>81</u>		UNOPPOSED MOTION to Amend/Correct <u>80</u> Order on Motion to Continue by United States of America as to Jerry Drake Varnell. (Dillon, Matthew) (Entered: 01/03/2018)
01/03/2018	<u>82</u>		AMENDED ORDER granting <u>81</u> the unopposed motion to amend court order <u>80</u> filed on January 3, 2018 to delete certain language inadvertently included in the order (as more fully set out), as to Jerry Drake Varnell (1). Signed by Honorable Vicki Miles–LaGrange on 1/3/2018. (ks) (Entered: 01/03/2018)
01/11/2018	<u>84</u>		JOINT MOTION for Extension of Time by Jerry Drake Varnell. (Franklin, Marna) (Entered: 01/11/2018)
01/16/2018	<u>86</u>		ORDER granting <u>84</u> the joint motion for scheduling order (as more fully set out), as to Jerry Drake Varnell (1). Signed by Honorable Vicki Miles–LaGrange on 1/16/2018. (ks) (Entered: 01/16/2018)
02/07/2018	<u>91</u>		CERTIFICATE that due to the complexity of the representation required, the payment claimed is reasonable and necessary to provide counsel fair compensation for her services. (ks) (Entered: 02/07/2018)
02/09/2018	<u>92</u>		MARCH CRIMINAL TRIAL DOCKET: Docket Call set for 3/7/2018 02:00 PM in Courtroom 303 before Honorable Vicki Miles–LaGrange. Jury Trial set for 3/13/2018 09:00 AM in Courtroom 303 before Honorable Vicki Miles–LaGrange. (ks) (Entered: 02/09/2018)
02/12/2018	<u>93</u>		MINUTE ORDER as to Jerry Drake Varnell – Pursuant to Local Criminal Rule 30.1, the parties in this case shall file all requested jury instructions, supported by appropriate authority, by Tuesday, March 6, 2018. Any objections to the requested jury instructions shall be filed by Thursday, March 8, 2018. Signed by Honorable Vicki Miles–LaGrange on 2/12/2018. (ks) (Entered: 02/12/2018)
02/20/2018	<u>95</u>		

		UNOPPOSED MOTION to Continue <i>Trial</i> by Jerry Drake Varnell. (Attachments: # <u>1</u> Attachment Speedy Trial Waiver)(Franklin, Marna) (Entered: 02/20/2018)
02/23/2018	<u>96</u>	UNOPPOSED MOTION for Order for <i>Destruction of Evidence</i> by United States of America as to Jerry Drake Varnell. (Dillon, Matthew) (Entered: 02/23/2018)
02/26/2018	<u>97</u>	ORDER granting <u>95</u> defendant's motion for continuance, striking this case from the Court's March 2018 trial docket and resetting it on the Court's May 2018 trial docket (as more fully set out), as to Jerry Drake Varnell (1). Signed by Honorable Vicki Miles–LaGrange on 2/26/2018. (ks) Modified on 3/19/2018 to correct text (ks). (Entered: 02/26/2018)
02/26/2018		Set/Reset Hearings as to Jerry Drake Varnell: Jury Trial RESET on the May 2018 trial docket (5/8/2018 09:00 AM) in Courtroom 303 before Honorable Vicki Miles–LaGrange. (ks) (Entered: 02/26/2018)
02/26/2018		Terminate Deadlines and Hearings as to Jerry Drake Varnell: (ks) (Entered: 02/26/2018)
02/26/2018	<u>98</u>	ORDER granting <u>96</u> plaintiff's unopposed motion for destruction of evidence, as to Jerry Drake Varnell (1). Signed by Honorable Vicki Miles–LaGrange on 2/26/2018. (ks) (Entered: 02/26/2018)
03/05/2018	99	CJA 20 as to Jerry Drake Varnell: Authorization to Pay Franklin. Voucher # 0502280. Signed by Honorable Vicki Miles–LaGrange on 1/30/18. (kr) (Entered: 03/05/2018)
04/02/2018	<u>101</u>	MOTION to Suppress <i>Facebook Search Warrant</i> by Jerry Drake Varnell. (Attachments: # <u>1</u> Exhibit Application for Search Warrant, # <u>2</u> Exhibit Facebook post Brent Elisens, # <u>3</u> Exhibit Facebook post Injustice in Oklahoma Exposed, # <u>4</u> Exhibit CM–09–1542 Cleveland County Information, Affidavit, and plea of guilty, # <u>5</u> Exhibit Exhibit 1 of Doc 25, 10–cr–343–C, # <u>6</u> Exhibit 10–cr–343–c petition to enter plea of guilty, # <u>7</u> Exhibit 10–cr–343–C Doc 25 Government's Sentencing Memorandum, # <u>8</u> Exhibit oscn case details CF–10–75, # <u>9</u> Exhibit Plea of Guilty cf–10–75, cf–10–590, cf–10–1280, # <u>10</u> Exhibit report dated 6/6/2017, # <u>11</u> Exhibit Affidavit of Barry Black, # <u>12</u> Exhibit Transcription of Brent Elisens and the FBI, # <u>13</u> Exhibit copy of cd to be filed conventionally, # <u>14</u> Exhibit TextLock screenshots, # <u>15</u> Exhibit 3/9/2017 report, # <u>16</u> Exhibit 1/22/2018 report, # <u>17</u> Exhibit Facebook messenger conversation, # <u>18</u> Exhibit Facebook messenger conversation, # <u>19</u> Exhibit TextLock screenshot, # <u>20</u> Exhibit cd to be filed conventionally, # <u>21</u> Exhibit Transcription of 5/10/2017 contact, # <u>22</u> Exhibit Textlock screenshots, # <u>23</u> Exhibit Facebook messenger conversation)(Franklin, Marna) (Entered: 04/02/2018)
04/02/2018	<u>103</u>	NOTICE OF Conventional Filing <i>Exhibit 17A and Exhibit 29</i> by Jerry Drake Varnell (Franklin, Marna) (Entered: 04/02/2018)
04/02/2018	<u>104</u>	MOTION to Suppress <i>Search of 18631 E. 1220 Rd Sayre, Oklahoma</i> by Jerry Drake Varnell. (Attachments: # <u>1</u> Exhibit Affidavit in Support of Application for Search Warrant)(Franklin, Marna) (Entered: 04/02/2018)
04/02/2018	<u>105</u>	

		MOTION for Hearing <i>to Determine Admissibility of Government Exhibits and/or Testimony</i> by Jerry Drake Varnell. (Attachments: # <u>1</u> Exhibit TextLock screenshots, # <u>2</u> Exhibit "Steven James" Facebook post, # <u>3</u> Exhibit "Jonathan Immoral Smith Facebook profile, # <u>4</u> Exhibit "Sixie Lbsonbadguise" Facebook post, # <u>5</u> Exhibit 1/18/2018 report Agent Larsen)(Franklin, Marna) (Entered: 04/02/2018)
04/02/2018	<u>107</u>	MOTION to Dismiss <i>based on Destruction of Evidence</i> by Jerry Drake Varnell. (Attachments: # <u>1</u> Exhibit 2/6/2017 Report by Martin and Schmitz, # <u>2</u> Exhibit 3/9/2017 Report by Schmitz, # <u>3</u> Exhibit 1/18/2018 Report by Larsen)(Franklin, Marna) (Entered: 04/02/2018)
04/02/2018	<u>108</u>	NOTICE OF Conventional Filing by Jerry Drake Varnell. Conventionally filed Exhibit 17A and 29 received by Clerks Office. (ac) (Entered: 04/02/2018)
04/02/2018	<u>109</u>	SUPPLEMENTAL MOTION to Suppress <i>Facebook Search Warrant</i> by Jerry Drake Varnell. (Franklin, Marna) (Entered: 04/02/2018)
04/02/2018	<u>110</u>	NOTICE OF Conventional Filing <i>Exhibit 18 for Doc. 101</i> by Jerry Drake Varnell (Franklin, Marna) (Entered: 04/02/2018)
04/02/2018	<u>111</u>	MOTION for Order <i>to Utilize Juror Questionnaire</i> by Jerry Drake Varnell. (Attachments: # <u>1</u> Attachment Proposed Juror Questionnaire)(Franklin, Marna) (Entered: 04/02/2018)
04/02/2018	113	Conventionally filed exhibit 18 DOC <u>101</u> by Jerry Drake Varnell received in Clerk's Office (ac) (Entered: 04/03/2018)
04/06/2018	<u>119</u>	MAY CRIMINAL TRIAL DOCKET: Docket Call set for 5/2/2018 02:00 PM in Courtroom 303 before Honorable Vicki Miles-LaGrange. Jury Trial set for 5/8/2018 09:00 AM in Courtroom 303 before Honorable Vicki Miles-LaGrange. (ks) (Entered: 04/06/2018)
04/17/2018	<u>121</u>	SUPERSEDING INDICTMENT as to Jerry Drake Varnell (1) count(s) 1s, 2s. (Attachments: # <u>1</u> Criminal Cover Sheet) (ac) (Entered: 04/18/2018)
04/18/2018	<u>122</u>	NOTICE OF HEARING as to Jerry Drake Varnell. Arraignment set for 4/19/2018 03:00 PM in Courtroom 101 before Magistrate Judge Bernard M. Jones. (dwl) (Entered: 04/18/2018)
04/18/2018	<u>123</u>	AMENDED NOTICE OF HEARING as to Jerry Drake Varnell ~ Arraignment set for 4/23/2018 03:00 PM in Courtroom 201 before Magistrate Judge Gary M. Purcell. (dwl) (Entered: 04/18/2018)
04/19/2018	<u>124</u>	WAIVER of Speedy Trial by Jerry Drake Varnell (Franklin, Marna) (Entered: 04/19/2018)
04/20/2018	<u>125</u>	JOINT MOTION for Order <i>Declaring Case a Complex Federal Criminal Matter, Extending Time to File Pre-Trial Motions and Responses, and to Continue Trial</i> by United States of America as to Jerry Drake Varnell. (Attachments: # <u>1</u> Attachment Waiver of Speedy Trial)(Dillon, Matthew) (Entered: 04/20/2018)
04/23/2018	<u>129</u>	MINUTE ENTRY ~ for proceedings held before Magistrate Judge Gary M. Purcell:Arraignment as to Jerry Drake Varnell (1) Count 1,1s,2s held on 4/23/2018. Matt Dillon and Mark Stoneman appeared in for the Govt; Dft.

		appeared in the custody of the U.S. Marshal with court appointed counsel Marna Franklin. Plea entered by Jerry Drake Varnell Not Guilty All on counts. Jury Trial set for 5/8/2018 09:00 AM in Courtroom 304 before Honorable Vicki Miles–LaGrange. As stated on the record Dft. is detained per Detention Order previously entered. Dft. is remanded to the custody of the U.S. Marshal pending further proceedings. (dwl) (Entered: 04/23/2018)
04/24/2018	<u>130</u>	ORDER granting <u>125</u> the Joint Motion for Order Declaring Case a Complex Federal Criminal Matter, Extending Time to File Pre–Trial Motions and Responses, and to Continue Trial, striking this case from the Court's May 2018 jury trial docket, and resetting this matter on the Court's July 2018 jury trial docket. Additionally, the parties shall file all responses to the initial pre–trial motions on or before April 30, 2018. Further, the parties shall file any pre–trial motions related to Count 2 of the Superseding Indictment on or before May 14, 2018, and responses to these motions shall be filed on or before May 30, 2018. All proposed voir dire questions and jury instructions shall be filed on or before June 29, 2018. Signed by Honorable Vicki Miles–LaGrange on 4/24/2018. (ks) (Entered: 04/24/2018)
04/30/2018	<u>131</u>	RESPONSE to Motion by United States of America as to Jerry Drake Varnell re <u>105</u> MOTION for Hearing to <i>Determine Admissibility of Government Exhibits and/or Testimony</i> (Stoneman, Mark) (Entered: 04/30/2018)
04/30/2018	<u>132</u>	UNOPPOSED MOTION for Extension of Time by United States of America as to Jerry Drake Varnell. (Dillon, Matthew) (Entered: 04/30/2018)
04/30/2018	<u>133</u>	RESPONSE to Motion by United States of America as to Jerry Drake Varnell re <u>107</u> MOTION to Dismiss <i>based on Destruction of Evidence</i> (Stoneman, Mark) (Entered: 04/30/2018)
05/01/2018	<u>134</u>	ORDER granting <u>132</u> the government's Unopposed Motion for Extension of Time. The government shall file its responses to defendant's Motion to Suppress, and defendant's Motion for Order Utilizing Juror Questionnaire on or before May 9, 2018 (as more fully set out), as to Jerry Drake Varnell (1). Signed by Honorable Vicki Miles–LaGrange on 5/1/2018. (ks) (Entered: 05/01/2018)
05/02/2018	<u>135</u>	MOTION for Order <i>Appointing Co–Counsel</i> by Jerry Drake Varnell. (Franklin, Marna) (Entered: 05/02/2018)
05/03/2018	<u>136</u>	ORDER granting <u>135</u> defendant's counsel's Motion for Appointment of Co–Counsel and appointing Vicki Zemp Behenna as co–counsel for defendant Jerry Drake Varnell. Signed by Honorable Vicki Miles–LaGrange on 5/3/2018. (ks) (Entered: 05/03/2018)
05/07/2018	<u>137</u>	ENTRY OF ATTORNEY APPEARANCE: Vicki Z Behenna appearing for Jerry Drake Varnell (Behenna, Vicki) (Entered: 05/07/2018)
05/08/2018	138	CJA 20 as to Jerry Drake Varnell: Authorization to Pay Franklin. Voucher # 0568556. Signed by Honorable Vicki Miles–LaGrange on 5/7/18. (kr) (Entered: 05/08/2018)
05/08/2018	<u>139</u>	NOTICE of Change of Address by Laura K Deskin (Deskin, Laura) (Entered: 05/08/2018)
05/10/2018	<u>140</u>	

		RESPONSE to Motion by United States of America as to Jerry Drake Varnell re <u>104</u> MOTION to Suppress <i>Search of 18631 E. 1220 Rd Sayre, Oklahoma</i> , <u>101</u> MOTION to Suppress <i>Facebook Search Warrant Combined</i> (Attachments: # <u>1</u> Exhibit Facebook Search Warrant, # <u>2</u> Exhibit Facebook Screenshot, # <u>3</u> Exhibit Facebook Message BancFirst)(Dillon, Matthew) (Entered: 05/10/2018)
05/10/2018	<u>141</u>	RESPONSE to Motion by United States of America as to Jerry Drake Varnell re <u>111</u> MOTION for Order to <i>Utilize Juror Questionnaire</i> (Dillon, Matthew) (Entered: 05/10/2018)
05/17/2018	<u>142</u>	ORDER denying <u>101</u> defendant's Motion to Suppress Facebook Search Warrant and <u>104</u> defendant's Motion to Suppress Search Warrant of 18631 E. 1220 Rd., Sayre, Oklahoma (as more fully set out), as to Jerry Drake Varnell (1). Signed by Honorable Vicki Miles-LaGrange on 5/17/2018. (ks) (Entered: 05/17/2018)
05/18/2018	<u>143</u>	ORDER denying <u>107</u> defendant's Motion to Dismiss Based on Destruction of Evidence (as more fully set out), as to Jerry Drake Varnell (1). Signed by Honorable Vicki Miles-LaGrange on 5/18/2018. (ks) (Entered: 05/18/2018)
05/31/2018	<u>145</u>	MOTION for Leave to File <i>Ex Parte Motion to Hire an Expert Consultant Under Seal</i> by Jerry Drake Varnell. (Behenna, Vicki) (Entered: 05/31/2018)
06/01/2018	<u>146</u>	ORDER granting <u>145</u> Defendant's Motion to File Ex Parte Motion to Hire an Expert Consultant Under Seal, as to Jerry Drake Varnell. Signed by Honorable Vicki Miles-LaGrange on 6/1/2018. (ks) (Entered: 06/01/2018)
06/08/2018	<u>148</u>	CRIMINAL TRIAL DOCKET: Docket Call set for 6/27/2018 01:00 PM in Courtroom 303 before Honorable Vicki Miles-LaGrange. Jury Trial set for 7/10/2018 09:00 AM in Courtroom 303 before Honorable Vicki Miles-LaGrange. (ks) (Entered: 06/08/2018)
06/09/2018	<u>149</u>	MOTION for Leave to File <i>Rule 12.2 Notice Late</i> by Jerry Drake Varnell. (Franklin, Marna) (Entered: 06/09/2018)
06/11/2018	<u>151</u>	RESPONSE to Motion by United States of America as to Jerry Drake Varnell re <u>149</u> MOTION for Leave to File <i>Rule 12.2 Notice Late</i> (Stoneman, Mark) (Entered: 06/11/2018)
06/13/2018	<u>152</u>	ORDER granting <u>149</u> Defendant, Jerry Drake Varnell's Motion for Leave to File Rule 12.2(b) Notice Out of Time. Signed by Honorable Vicki Miles-LaGrange on 6/13/2018. (ks) (Entered: 06/13/2018)
06/13/2018	<u>154</u>	NOTICE of <i>Expert Evidence of Mental Condition</i> (Franklin, Marna) (Entered: 06/13/2018)
06/25/2018	<u>155</u>	MOTION to Compel <i>Discovery</i> by Jerry Drake Varnell. (Franklin, Marna) (Entered: 06/25/2018)
06/27/2018	<u>156</u>	JOINT MOTION to Continue <i>Trial</i> by United States of America as to Jerry Drake Varnell. (Stoneman, Mark) (Entered: 06/27/2018)
06/27/2018	<u>157</u>	ORDER granting <u>156</u> the parties' Joint Motion to Continue Trial, striking this case from the July 2018 trial docket, and resetting this case on the November 2018 trial docket. All proposed voir dire questions and jury instructions shall

		be filed on or before October 30, 2018 (as more fully set out), as to Jerry Drake Varnell (1). Signed by Honorable Vicki Miles–LaGrange on 6/27/2018. (ks) (Entered: 06/27/2018)
06/27/2018		Set/Reset Hearings as to Jerry Drake Varnell: Jury Trial reset for 11/6/2018 09:00 AM in Courtroom 304 before Honorable Vicki Miles–LaGrange. (ks) (Entered: 06/27/2018)
06/27/2018		Terminate Deadlines and Hearings as to Jerry Drake Varnell: (ks) (Entered: 06/27/2018)
07/03/2018	<u>158</u>	RESPONSE to Motion by United States of America as to Jerry Drake Varnell re <u>155</u> MOTION to Compel <i>Discovery</i> (Dillon, Matthew) (Entered: 07/03/2018)
07/23/2018	<u>159</u>	ORDER directing the defendant to file a reply to the government's response to <u>155</u> defendant's motion to compel discovery, no later than Friday, July 27, 2018, as to Jerry Drake Varnell. Signed by Honorable Vicki Miles–LaGrange on 7/23/2018. (ks) (Entered: 07/23/2018)
07/25/2018	<u>160</u>	UNOPPOSED MOTION for Extension of Time <i>to file Reply</i> by Jerry Drake Varnell. (Franklin, Marna) (Entered: 07/25/2018)
07/27/2018	<u>161</u>	ORDER GRANTS the motion <u>160</u> . Defendant shall file his reply no later than Friday, August 3, 2018.Signed by Honorable Vicki Miles–LaGrange on 7/27/18. (kmt) (Entered: 07/27/2018)
08/02/2018	<u>162</u>	REPLY by Defendant Jerry Drake Varnell re <u>158</u> Response to Motion (Attachments: # <u>1</u> Exhibit Affidavit from Investigator Wells, # <u>2</u> Exhibit thepyramidgroup Entrapment posting)(Franklin, Marna) (Entered: 08/02/2018)
08/13/2018	<u>163</u>	ORDER OF RECUSAL – Pursuant to 28 U.S.C. § 455, I recuse as the judge to whom this case is assigned. The Clerk of the Court is directed to return this case to the regular procedure for random selection so that a successor judge may be determined. Signed by Honorable Vicki Miles–LaGrange on 8/13/2018. (ks) (Entered: 08/13/2018)
08/13/2018	<u>164</u>	ORDER REASSIGNING CASE. Case reassigned to Honorable Timothy D. DeGiusti for all further proceedings. Signed by Honorable Vicki Miles–LaGrange on 8/13/2018. (ks) (Entered: 08/13/2018)
09/12/2018	<u>167</u>	ORDER re <u>155</u> MOTION to Compel <i>Discovery</i> filed by Jerry Drake Varnell. Hearing to be set by separate order. Signed by Honorable Timothy D. DeGiusti on 9/12/2018. (mb) (Entered: 09/12/2018)
09/12/2018	<u>168</u>	NOTICE OF HEARING ON MOTION in case as to Jerry Drake Varnell <u>155</u> : In Camera Hearing set for 10/2/2018 10:00 AM in Courtroom 503 before Honorable Timothy D. DeGiusti. (mb) (Entered: 09/12/2018)
10/02/2018		Set/Reset Hearings as to Jerry Drake Varnell: Jury Trial set for 11/7/2018 09:30 AM in Courtroom 503 before Honorable Timothy D. DeGiusti. (mb) (Entered: 10/02/2018)
10/02/2018	<u>169</u>	MINUTE ENTRY for proceedings held before Honorable Timothy D. DeGiusti:Motion Hearing as to Jerry Drake Varnell held on 10/2/2018 re <u>155</u> MOTION to Compel <i>Discovery</i> filed by Jerry Drake Varnell (Court Reporter

		Christy Clark.) (mb) (Entered: 10/02/2018)
11/01/2018		Set/Reset Hearings as to Jerry Drake Varnell: Jury Trial set for 2/12/2019 09:30 AM in Courtroom 503 before Honorable Timothy D. DeGiusti. (mb) (Entered: 11/01/2018)
11/19/2018	183	CJA 20 as to Jerry Drake Varnell: Authorization to Pay Franklin. Voucher # 0717435. Signed by Honorable Timothy D. DeGiusti on 11/19/18. (kr) (Entered: 11/21/2018)
12/11/2018	<u>186</u>	TRANSCRIPT REQUEST by Jerry Drake Varnell for proceedings held on 10-2-2018 before Judge DeGiusti. (Franklin, Marna) (Entered: 12/11/2018)
12/13/2018	189	CJA 20 as to Jerry Drake Varnell: Authorization to Pay Behenna. Voucher # 0686806. Signed by Honorable Timothy D. DeGiusti on 12/12/18. (kr) (Entered: 12/13/2018)
01/07/2019	<u>192</u>	MOTION for Leave to File <i>Out of Time Defendant's Motion to Dismiss Counts in the Indictment or in the Alternative Motion to Have the United States Elect to Prosecute Defendant on Either Count One or Count Two, Due to Multiplicity of Counts</i> by Jerry Drake Varnell. (Behenna, Vicki) (Entered: 01/07/2019)
01/08/2019	<u>193</u>	ORDER granting <u>192</u> Motion for Leave to File Out of Time Defendant's Motion to Dismiss Counts or in the Alternative Motion to United States to Elect to Prosecute Defendant on either Count 1 or Count 2 due to Multiplicity of Counts. Motion due 1/14/2019; Response due 1/21/2019. Signed by Honorable Timothy D. DeGiusti on 1/8/2019. (mb) (Entered: 01/08/2019)
01/09/2019	<u>194</u>	MOTION to Dismiss Counts <i>in the Indictment or in the Alternative, Motion to have the United States Elect to Prosecute Defendant on Either Count One or Count Two due to Multiplicity of Counts and Brief in Support</i> of Jerry Drake Varnell. by Jerry Drake Varnell. (Behenna, Vicki) (Entered: 01/09/2019)
01/11/2019	<u>195</u>	MOTION in Limine <i>Fort Riley Bomb Test and Presence of Persons</i> by Jerry Drake Varnell. (Attachments: # <u>1</u> Exhibit Black Report 6/26/2017, # <u>2</u> Exhibit Portion of Law Enforcement Operations Order 8/1/2017, # <u>3</u> Exhibit Black Report 8/16/2017, # <u>4</u> Exhibit Black Report 3/13/2018, # <u>5</u> Exhibit Portion of Lab No. 2017-03418-2)(Franklin, Marna) (Entered: 01/11/2019)
01/14/2019	<u>196</u>	SEALED TRANSCRIPT by Jerry Drake Varnell(cc) (Entered: 01/14/2019)
01/14/2019	<u>197</u>	SEALED RULE 5 PAPERWORK from New York (material witness). (cps) (Entered: 01/14/2019)
01/18/2019	199	CJA 24 as to Jerry Drake Varnell: Authorization to Pay Clark Voucher # 0758512. Signed by Honorable Timothy D. DeGiusti on 1/17/19. (nv) (Entered: 01/18/2019)
01/22/2019	<u>201</u>	RESPONSE to Motion by All Plaintiffs as to Jerry Drake Varnell re <u>194</u> MOTION to Dismiss Counts <i>in the Indictment or in the Alternative, Motion to have the United States Elect to Prosecute Defendant on Either Count One or Count Two due to Multiplicity of Counts and Brief in Support</i> of Jerry Drake Varnell. (Dillon, Matthew) (Entered: 01/22/2019)
01/22/2019	<u>202</u>	

		RESPONSE to Motion by United States of America as to Jerry Drake Varnell re <u>195</u> MOTION in Limine <i>Fort Riley Bomb Test and Presence of Persons</i> (Dillon, Matthew) (Entered: 01/22/2019)
01/23/2019	<u>204</u>	ORDER denying <u>111</u> Defendant's Motion for Order to Utilize Juror Questionnaire as to Jerry Drake Varnell (1). Signed by Honorable Timothy D. DeGiusti on 1/23/2019. (mb) Modified on 1/24/2019 (mb). (Entered: 01/23/2019)
01/30/2019	<u>206</u>	NOTICE OF HEARING as to Jerry Drake Varnell Pretrial Conference set for 2/7/2019 01:30 PM in Chambers before Honorable Timothy D. DeGiusti. (mb) (Entered: 01/30/2019)
01/31/2019	<u>207</u>	MOTION for Leave to File <i>Dispositive Motion Out of Time</i> by Jerry Drake Varnell. (Behenna, Vicki) (Entered: 01/31/2019)
02/01/2019	<u>208</u>	Proposed Voir Dire by Jerry Drake Varnell (Behenna, Vicki) (Entered: 02/01/2019)
02/01/2019	<u>209</u>	ORDER granting <u>207</u> Motion for Leave to File Dispositive Motion Out of Time as to Jerry Drake Varnell (1). Motion to Dismiss due on or before 2/4/2019; Gov't to Respond on or before 2/7/2019. Signed by Honorable Timothy D. DeGiusti on 2/1/2019. (mb) (Entered: 02/01/2019)
02/01/2019	<u>210</u>	ORDER denying <u>194</u> Motion to Dismiss Counts in the Indictment or in the Alternative Motion to have the U.S. to Elect to Prosecute Defendant on Either Count 1 or Count 2 due to Multiplicity of Counts as to Jerry Drake Varnell (1). Signed by Honorable Timothy D. DeGiusti on 2/1/2019. (mb) (Entered: 02/01/2019)
02/01/2019	<u>211</u>	Proposed Jury Instructions by Jerry Drake Varnell (Franklin, Marna) (Entered: 02/01/2019)
02/04/2019	<u>212</u>	MOTION to Dismiss <i>the Superseding Indictment For Outrageous Government Conduct and Brief in Support</i> by Jerry Drake Varnell. (Behenna, Vicki) (Entered: 02/04/2019)
02/05/2019	<u>213</u>	ORDER granting in part, denying in part and reserving in part <u>195</u> Defendant's Motion in Limine Regarding Fort Riley Bomb Test as to Jerry Drake Varnell (1). Signed by Honorable Timothy D. DeGiusti on 2/5/2019. (mb) (Entered: 02/05/2019)
02/05/2019	<u>214</u>	Proposed Jury Instructions by United States of America as to Jerry Drake Varnell (Dillon, Matthew) (Entered: 02/05/2019)
02/05/2019	<u>215</u>	Proposed Voir Dire by United States of America as to Jerry Drake Varnell (Dillon, Matthew) (Entered: 02/05/2019)
02/07/2019	<u>218</u>	RESPONSE to Motion by United States of America as to Jerry Drake Varnell re <u>212</u> MOTION to Dismiss <i>the Superseding Indictment For Outrageous Government Conduct and Brief in Support</i> (Stoneman, Mark) (Entered: 02/07/2019)
02/07/2019	<u>219</u>	ORDER denied in part and reserved in part <u>105</u> Defendant's Motion for Hearing to Determine Admissibility of Government Exhibits and/or Testimony as to Jerry Drake Varnell (1). Signed by Honorable Timothy D.

		DeGiusti on 2/7/2019. (mb) (Entered: 02/07/2019)
02/07/2019	<u>220</u>	OBJECTIONS re <u>211</u> Proposed Jury Instructions (Dillon, Matthew) (Entered: 02/07/2019)
02/08/2019	<u>222</u>	PRETRIAL CONFERENCE MEMORANDUM as to Jerry Drake Varnell. Signed by Honorable Timothy D. DeGiusti on 2/8/2019. (mb) (Entered: 02/08/2019)
02/11/2019	<u>225</u>	ORDER reserving ruling on <u>212</u> Motion to Dismiss as to Jerry Drake Varnell (1). Signed by Honorable Timothy D. DeGiusti on 2/11/2019. (mb) (Entered: 02/11/2019)
02/12/2019	<u>228</u>	MINUTE ENTRY for proceedings held before Honorable Timothy D. DeGiusti:Jury Trial as to Jerry Drake Varnell held on 2/12/2019 (Court Reporter Christy Clark.) (mb) (Entered: 02/12/2019)
02/13/2019	229	CJA 20 as to Jerry Drake Varnell: Authorization to Pay Franklin. Voucher # 0740946. Signed by Honorable Timothy D. DeGiusti on 02/13/19. (nv) (Entered: 02/13/2019)
02/13/2019	<u>230</u>	MINUTE ENTRY for proceedings held before Honorable Timothy D. DeGiusti:Jury Trial as to Jerry Drake Varnell held on 2/13/2019 (Court Reporter Christy Clark.) (mb) (Entered: 02/13/2019)
02/14/2019		Document unsealed as to Jerry Drake Varnell. <u>172</u> Warrant Issued (mb) (Entered: 02/14/2019)
02/14/2019	<u>231</u>	MINUTE ENTRY for proceedings held before Honorable Timothy D. DeGiusti:Jury Trial as to Jerry Drake Varnell held on 2/14/2019 (Court Reporter Christy Clark.) (mb) (Entered: 02/14/2019)
02/15/2019	<u>232</u>	ENTER ORDER releasing Material Witness from Custody re <u>172</u> Warrant Issued. Signed by Honorable Timothy D. DeGiusti on 2/15/2019. (mb) (Entered: 02/15/2019)
02/15/2019	<u>233</u>	MINUTE ENTRY for proceedings held before Honorable Timothy D. DeGiusti:Jury Trial as to Jerry Drake Varnell held on 2/15/2019 (Court Reporter Christy Clark.) (mb) (Entered: 02/15/2019)
02/19/2019	<u>234</u>	MINUTE ENTRY for proceedings held before Honorable Timothy D. DeGiusti:Jury Trial as to Jerry Drake Varnell held on 2/19/2019 (Court Reporter Christy Clark.) (mb) (Entered: 02/19/2019)
02/20/2019	<u>235</u>	MINUTE ENTRY for proceedings held before Honorable Timothy D. DeGiusti:Jury Trial as to Jerry Drake Varnell held on 2/20/2019 (Court Reporter Christy Clark.) (mb) (Entered: 02/20/2019)
02/21/2019	<u>236</u>	MINUTE ENTRY for proceedings held before Honorable Timothy D. DeGiusti:Jury Trial as to Jerry Drake Varnell held on 2/21/2019 (Court Reporter Christy Clark.) (mb) (Entered: 02/21/2019)
02/22/2019	<u>239</u>	MINUTE ENTRY for proceedings held before Honorable Timothy D. DeGiusti:Jury Trial as to Jerry Drake Varnell held on 2/22/2019 (Court Reporter Christy Clark.) (mb) (Main Document 239 replaced on 2/25/2019) (mb). (Entered: 02/25/2019)

02/24/2019	<u>237</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Jerry Drake Varnell held on 2-12-19 before Judge DeGiusti. Court Reporter Christina L. Clark, Telephone number 405-609-5123. Transcript of: Government's Opening Statement Volume: I of I Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/18/2019. Redacted Transcript Deadline set for 3/27/2019. Release of Transcript Restriction set for 5/28/2019. (cc) (Entered: 02/24/2019)
02/24/2019	<u>238</u>		NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Jerry Drake Varnell held on 2-12-19 before Judge DeGiusti. Court Reporter Christina L. Clark, Telephone number 405-609-5123. Transcript of: Defendant's Opening Statement Volume: I of I Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/18/2019. Redacted Transcript Deadline set for 3/27/2019. Release of Transcript Restriction set for 5/28/2019. (cc) (Entered: 02/24/2019)
02/25/2019	<u>240</u>		MINUTE ENTRY for proceedings held before Honorable Timothy D. DeGiusti:Jury Trial as to Jerry Drake Varnell held on 2/25/2019 (Court Reporter Christy Clark.) (mb) (Entered: 02/25/2019)
02/25/2019	<u>241</u>		Jury Instructions as to Jerry Drake Varnell (mb) (Entered: 02/25/2019)
02/25/2019	<u>242</u>		JURY VERDICT as to Jerry Drake Varnell (1) Guilty on Count 1s,2s. (mb) (Entered: 02/25/2019)
02/25/2019	<u>243</u>		COURT EXHIBIT (mb) (Entered: 02/25/2019)
03/11/2019	<u>247</u>		MOTION for Judgment of Acquittal <i>and Brief in Support</i> by Jerry Drake Varnell. (Behenna, Vicki) (Entered: 03/11/2019)
03/20/2019	<u>249</u>		RESPONSE to Motion by United States of America as to Jerry Drake Varnell re <u>247</u> MOTION for Judgment of Acquittal <i>and Brief in Support</i> (Dillon, Matthew) (Entered: 03/20/2019)
03/27/2019	<u>252</u>		REPLY TO RESPONSE to Motion by Jerry Drake Varnell re <u>247</u> MOTION for Judgment of Acquittal <i>and Brief in Support</i> (Behenna, Vicki) (Entered: 03/27/2019)
04/04/2019	253		CJA 24 as to Jerry Drake Varnell: Authorization to Pay Clark Voucher # 0795204. Signed by Honorable Timothy D. DeGiusti on 03/26/19. (nv) (Entered: 04/04/2019)
04/08/2019	254		CJA 20 as to Jerry Drake Varnell: Authorization to Pay Behenna. Voucher # 0741288. Signed by Honorable Timothy D. DeGiusti on 04/04/19. (nv) (Entered: 04/08/2019)
04/10/2019	255		CJA 20 as to Jerry Drake Varnell: Authorization to Pay Franklin. Voucher # 0789246. Signed by Honorable Timothy D. DeGiusti on 04/05/19. (nv) (Entered: 04/10/2019)
04/15/2019	<u>256</u>		CERTIFICATE 18 USC 3006 re Investigator Jonathan Wells. Signed by Honorable Timothy D. DeGiusti on 4/15/2019. (mb) (Entered: 04/15/2019)

04/15/2019	<u>257</u>	CERTIFICATE 18 USC 3006 re Investigator David Dunn. Signed by Honorable Timothy D. DeGiusti on 4/15/2019. (mb) (Entered: 04/15/2019)
04/22/2019	258	CJA 20 as to Jerry Drake Varnell: Authorization to Pay Behenna. Voucher # 0780348. Signed by Honorable Timothy D. DeGiusti on 04/16/19. (nv) (Entered: 04/22/2019)
04/22/2019	<u>260</u>	ORDER/CERTIFICATE 18 USC 3006. Signed by Honorable Timothy D. DeGiusti on 4/22/2019. (mb) (Entered: 04/22/2019)
04/30/2019	<u>264</u>	ORDER/CERTIFICATE 18 USC 3006 (Laura Deskin). Signed by Honorable Timothy D. DeGiusti on 4/30/2019. (mb) (Entered: 04/30/2019)
04/30/2019	<u>265</u>	ORDER/CERTIFICATE 18 USC 3006 (Shawn Roberson). Signed by Honorable Timothy D. DeGiusti on 4/30/2019. (mb) (Entered: 04/30/2019)
05/09/2019	266	CJA 20 as to Jerry Drake Varnell: Authorization to Pay Behenna. Voucher # 0791589. Signed by Honorable Timothy D. DeGiusti on 05/02/19. (nv) (Entered: 05/09/2019)
05/09/2019	<u>269</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Jerry Drake Varnell held on 2–21–19 before Judge DeGiusti. Court Reporter Christina L. Clark, Telephone number 405–609–5123. Transcript of: Rule 29 Motion Volume: I of I Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/30/2019. Redacted Transcript Deadline set for 6/10/2019. Release of Transcript Restriction set for 8/7/2019. (cc) (Entered: 05/09/2019)
06/06/2019	270	CJA 20 as to Jerry Drake Varnell: Authorization to Pay Behenna. Voucher # 0820752. Signed by Honorable Timothy D. DeGiusti on 05/23/19. (nv) (Entered: 06/06/2019)
07/05/2019	<u>271</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Jerry Drake Varnell held on 2–20–19 before Judge DeGiusti. Court Reporter Christina L. Clark, Telephone number 405–609–5123. Transcript of: Testimony of Barry Black Volume: I of I Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/26/2019. Redacted Transcript Deadline set for 8/5/2019. Release of Transcript Restriction set for 10/3/2019. (cc) (Entered: 07/05/2019)
07/18/2019	<u>273</u>	JOINT MOTION to Continue <i>Deadline to File Objections to Presentence Investigation Report</i> by Jerry Drake Varnell. (Behenna, Vicki) (Entered: 07/18/2019)
07/19/2019	<u>274</u>	ORDER granting <u>273</u> Joint Motion to Continue Deadline to File Objections to Presentence Investigation Report as to Jerry Drake Varnell (1). Signed by Honorable Timothy D. DeGiusti on 7/19/19. (kmt) (Entered: 07/19/2019)
07/29/2019	<u>275</u>	ORDER denying <u>247</u> Motion for Judgment of Acquittal as to Jerry Drake Varnell (1). Signed by Honorable Timothy D. DeGiusti on 7/29/2019. (mb) (Entered: 07/29/2019)

08/27/2019	<u>277</u>		MOTION for Order titled "Motion to Remove Counsel" by Jerry Drake Varnell. (Attachments: # <u>1</u> Envelope)(kmt) (Entered: 08/27/2019)
09/05/2019	<u>279</u>		ORDER for Response as to Jerry Drake Varnell. The Court directs defense counsel to file an appropriate response to Defendant's <u>277</u> Motion by September 20, 2019. Signed by Honorable Timothy D. DeGiusti on 9/5/19. (kmt) (Entered: 09/05/2019)
09/10/2019	<u>281</u>		JOINT MOTION for Extension of Time to File <i>Sentencing Memoranda</i> by United States of America as to Jerry Drake Varnell. (Dillon, Matthew) (Entered: 09/10/2019)
09/12/2019	<u>282</u>		ORDER granting <u>281</u> Joint Motion for Extension of Time to submit sentencing memoranda as to Jerry Drake Varnell (1). Signed by Honorable Timothy D. DeGiusti on 9/12/19. (kmt) (Entered: 09/12/2019)
09/20/2019	<u>283</u>		RESPONSE to Motion by Jerry Drake Varnell re <u>277</u> MOTION for Order <i>regarding Removal of Counsel</i> (Behenna, Vicki) (Entered: 09/20/2019)
09/23/2019	<u>284</u>		ORDER denying <u>277</u> Motion to Remove Counsel by Jerry Drake Varnell (1). The Court, however, grants Defendant's subsequent request to have Ms. Behenna act as lead counsel and Ms. Franklin as her second-chair counsel for purposes of sentencing. See order for further details. Signed by Honorable Timothy D. DeGiusti on 9/23/19. (kmt) (Entered: 09/23/2019)
10/04/2019	<u>285</u>		MOTION for Leave to File <i>Sentencing Memorandum Under Seal</i> by Jerry Drake Varnell. (Behenna, Vicki) (Entered: 10/04/2019)
10/07/2019	<u>286</u>		STRICKEN per <u>292</u> Order filed 10/10/19 (kmt). SENTENCING MEMORANDUM by United States of America as to Jerry Drake Varnell (Dillon, Matthew) (Entered: 10/07/2019)
10/08/2019	<u>287</u>		STRICKEN per <u>292</u> Order filed 10/10/19 (kmt). AMENDED SENTENCING MEMORANDUM by United States of America as to Jerry Drake Varnell (Dillon, Matthew) (Entered: 10/08/2019)
10/08/2019	<u>288</u>		ORDER granting <u>285</u> Defendant's Motion for Leave to File Sentencing Memorandum Under Seal as to Jerry Drake Varnell (1). Signed by Honorable Timothy D. DeGiusti on 10/8/2019. (mb) (Entered: 10/08/2019)
10/09/2019	<u>290</u>		MOTION for Downward Departure by Jerry Drake Varnell. (Attachments: # <u>1</u> Exhibit Bureau of Justice Statistics Report)(Behenna, Vicki) (Entered: 10/09/2019)
10/09/2019	<u>291</u>		UNOPPOSED MOTION for Leave to File <i>Corrected Sentencing Memorandum Out of Time and to Strike Documents 286 and 287</i> by United States of America as to Jerry Drake Varnell. (Stoneman, Mark) (Entered: 10/09/2019)
10/10/2019	<u>292</u>		ORDER granting <u>291</u> Unopposed Motion for Leave to File Corrected Sentencing Memorandum Out of Time and to Strike Documents 286 and 287 as to Jerry Drake Varnell (1). Signed by Honorable Timothy D. DeGiusti on 10/10/19. (kmt) (Entered: 10/10/2019)
10/10/2019	<u>293</u>		SENTENCING MEMORANDUM by United States of America as to Jerry Drake Varnell (Stoneman, Mark) (Entered: 10/10/2019)

10/21/2019	<u>294</u>		JOINT MOTION for Extension of Time to <i>File Responses to Sentencing Memoranda</i> by United States of America as to Jerry Drake Varnell. (Dillon, Matthew) (Entered: 10/21/2019)
10/23/2019	<u>295</u>		ORDER granting <u>294</u> Joint Motion for Extension of Time to file responses to sentencing memoranda as to Jerry Drake Varnell (1). Signed by Honorable Timothy D. DeGiusti on 10/23/19. (kmt) (Entered: 10/23/2019)
11/04/2019	<u>296</u>		RESPONSE by Jerry Drake Varnell re <u>293</u> Sentencing Memorandum (Behenna, Vicki) (Entered: 11/04/2019)
11/15/2019	298		CJA 20 as to Jerry Drake Varnell: Authorization to Pay Behenna. Voucher # 0927301. Signed by Honorable Timothy D. DeGiusti on 11/13/19. (nv) (Entered: 11/15/2019)
11/19/2019	<u>299</u>		MOTION for Leave to File <i>Ex Parte Motion for Authorization to Hire an Expert</i> by Jerry Drake Varnell. (Behenna, Vicki) (Entered: 11/19/2019)
11/21/2019	<u>300</u>		ORDER granting <u>299</u> Motion for 18 U.S.C. 3006A(e) Funds to Retain Expert to Testify at Sentencing Hearing as to Jerry Drake Varnell (1). Signed by Honorable Timothy D. DeGiusti on 11/21/19. (kmt) (Entered: 11/21/2019)
12/12/2019	<u>303</u>		MOTION for Leave to File <i>Motion for Additional Funds Pursuant to 18 U.S.C. §3006A(e) Ex Parte and Under Seal</i> by Jerry Drake Varnell. (Behenna, Vicki) (Entered: 12/12/2019)
12/13/2019	<u>304</u>		ORDER granting <u>303</u> Motion to File Under Seal and Ex Parte Defendant's Motion for Additional Funds Pursuant to 18 U.S.C. § 3006A(e). Signed by Honorable Timothy D. DeGiusti on 12/13/19. (kmt) (Entered: 12/13/2019)
12/20/2019	<u>308</u>		NOTICE OF HEARING as to Jerry Drake Varnell Sentencing set for 1/30/2020 09:30 AM in Courtroom 301 before Honorable Timothy D. DeGiusti. (mb) (Entered: 12/20/2019)
01/17/2020	<u>309</u>		NOTICE OF HEARING as to Jerry Drake Varnell Sentencing reset for 2/4/2020 09:30 AM in Courtroom 301 before Honorable Timothy D. DeGiusti. (mb) (Entered: 01/17/2020)
01/28/2020	<u>310</u>		MOTION to Continue <i>Sentencing Hearing</i> by Jerry Drake Varnell. (Behenna, Vicki) (Entered: 01/28/2020)
01/30/2020	<u>311</u>		ORDER granting <u>310</u> Motion to Continue the Sentencing Hearing. Sentencing set for 2/24/2020 09:30 AM in Courtroom 301 before Honorable Timothy D. DeGiusti. Signed by Honorable Timothy D. DeGiusti on 1/30/20. (Entered: 01/30/2020)
02/14/2020	312		CJA 20 as to Jerry Drake Varnell: Authorization to Pay Behenna. Voucher # 0953166. Signed by Honorable Timothy D. DeGiusti on 12/17/19. (nv) (Entered: 02/14/2020)
02/14/2020	313		CJA 20 as to Jerry Drake Varnell: Authorization to Pay Franklin. Voucher # 0867856. Signed by Honorable Timothy D. DeGiusti on 01/07/2020. (nv) (Entered: 02/14/2020)
02/18/2020	<u>314</u>		UNOPPOSED MOTION to Continue <i>Sentencing</i> by United States of America as to Jerry Drake Varnell. (Stoneman, Mark) (Entered: 02/18/2020)

02/18/2020	<u>315</u>		ORDER granting <u>314</u> Motion to Continue Sentencing hearing as to Jerry Drake Varnell (1). Sentencing reset for 3/23/2020 at 9:30 a.m.. Signed by Honorable Timothy D. DeGiusti on 2/18/2020. (mb) (Entered: 02/18/2020)
02/20/2020			Set/Reset Hearings as to Jerry Drake Varnell: Sentencing reset for 3/23/2020 09:30 AM in Courtroom 301 before Honorable Timothy D. DeGiusti. (mb) (Entered: 02/20/2020)
03/23/2020	<u>316</u>	21	MINUTE ENTRY for proceedings held before Honorable Timothy D. DeGiusti:Sentencing held on 3/23/2020 for Jerry Drake Varnell (1), Count(s) 1s, Defendant Sentenced 300 months to be served concurrently with Count 2; Supervised Release of Life to be served concurrently with Count 2; S/A of \$100.00 due immediately; Count(s) 2s, Defendant Sentenced 300 months to be served concurrently with Count 1; Supervised Release of Life to be served concurrently with Count 1; S/A of \$100.00 due immediately. (Court Reporter Susan Fenimore.) (mb) (Entered: 03/23/2020)
03/23/2020	<u>317</u>	22	NOTICE OF APPEAL by Jerry Drake Varnell (Behenna, Vicki) (Entered: 03/23/2020)

SENTENCING COURTROOM MINUTE SHEET

DATE March 23, 2020CRIMINAL CASE NO. CR-17-239-D U.S.A. -vs- Jerry Drake VarnellCOMMENCED 9:30 ENDED 12:00 TOTAL TIME 2 hours 30 minutes

JUDGE TIMOTHY D. DEGIUSTI COURTROOM DEPUTY MIKE BAILEY COURT REPORTER SUSAN FENIMORE

COUNSEL FOR PLAINTIFF Matthew Dillon, Mark Stoneman, AUSACOUNSEL FOR DEFENDANT Vicki Behenna, Marna Franklin

SENTENCING MINUTE:

Dft. appears in person ☒ with ☐ without ☒ Court-Appointed Counsel☒ Probation Report reviewed by counsel and defendant.Plf's exhibits admitted. 1, 2, 3, 4, 5, 6, 7

Dft's exhibits admitted. _____

WITNESSES FOR PLAINTIFF

1. Barry Black
2. Richard Beck

WITNESSES FOR DEFENDANT

1. Dr.Shawn Roberson
2. _____

DEFENDANT IS SENTENCED TO CUSTODY OF BUREAU OF PRISONS 300 months. This consists of 300 months as to Count 1 and 300 months as to Count 2 all such terms to be served concurrently

Defendant placed on probation for a period of _____
with condition that defendant:

- ☒ comply with the conditions set forth in the judgment and commitment order
☒ special condition(s): as listed in Part D of the PSR; no community service is imposed

Upon expiration of sentence imposed herein, defendant shall serve a term of supervised release of Life. This consists of Life as to Count 1 and Life as to Count 2, all such terms to be served concurrently. Within 72 hours of release from the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in the district to which the defendant is released.

☒ SPECIAL ASSESSMENT FEE OF \$200.00 due immediately.

Defendant ordered to pay a fine in amount of \$ Waived to _____

☒ Defendant advised of right to appeal & to appeal in forma pauperis. ☐ Defendant gives oral notice of appeal and Clerk directed to spread of record said notice of appeal.

Execution of sentence stayed until _____,
at which time defendant's court appearance bond will be exonerated. Defendant to remain on present bond until he/she reports to designated prison.

Counts _____ dismissed as per order filed.

☒ DEF. REMANDED TO U.S.M.

☐ BOND EXONERATED.

The Court orders commitment to the custody of the Bureau of Prisons & recommends FMC-Ft. Worth, TX, if eligible
as place of confinement.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-17-239-D
)	
JERRY DRAKE VARNELL,)	
)	
Defendant.)	

NOTICE OF APPEAL

Notice is hereby given that Jerry Drake Varnell, the Defendant in the above named case, hereby appeals to the United States Court of Appeals for the Tenth Circuit from the Defendant's conviction and sentence entered on March 23, 2020. (Doc. 316).

Respectfully submitted,

/s/ Vicki Z. Behenna
 Vicki Zemp Behenna, OBA #10734
 MULINIX, GOERKE & MEYER, PLLC
 210 Park Avenue, Suite 3030
 Oklahoma City, OK 73102
 Telephone: 405-232-3800
 Facsimile: 405-232-8999
 Email: vzb@[lawokc.com](mailto:vzb@lawokc.com)

Attorney for Defendant
 Jerry Drake Varnell

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2020, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of Notice of Electronic Filing, which will automatically send e-mail notification of such filing to all attorneys of record.

/s/Vicki Z. Behenna
Vicki Zemp Behenna